



parent applications, copies of which have already been submitted in this application or are submitted herewith. Applicants have also not included a copy of another co-pending application listed on the PTO 1449, which has not been assigned an application number but has the attorney docket number 05725.0808-02000, was filed on August 16, 2004, and is entitled "Compositions Containing Heteropolymers and Oil-soluble Esters and Methods of Using Same." A copy of this application is not enclosed because it is also identical to its parent application, a copy of which has already been submitted in this application.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed substantive office actions from co-pending applications on the attached PTO 1449 and have enclosed copies of the documents as well.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 195 43 988 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. **DE 197 07 309 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
3. **DE 197 50 246 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
4. **DE 199 51 010 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
5. **DE 38 39 136 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **DE 38 43 892 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. **DE 42 08 297 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
8. **DE 42 34 886 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
9. **EP 0 169 997 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
10. **EP 0 557 196 A1** - An abstract of the disclosure of this document can be

found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,858,338, which is submitted herewith.

11. **EP 0 609 132 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

12. **EP 0 749 746 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,945,095, which is submitted herewith.

13. **EP 0 749 747 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,851,517, which is submitted herewith.

14. **EP 0 749 748 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

15. **EP 0 775 483 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

16. **EP 0 847 752 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

17. **EP 0 879 592 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

18. **EP 0 887 073 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,203,780 B1, which is submitted herewith.

19. **EP 0 930 058 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
20. **EP 0 930 060 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,254,877 B1, which is submitted herewith.
21. **EP 0 958 811 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
22. **EP 0 959 066 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,165,971, which is submitted herewith.
23. **EP 0 959 091 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0119171 A1, which is submitted herewith.
24. **EP 0 976 390 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2001/0014313 A1, which is submitted herewith.
25. **EP 0 984 025 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,280,846 B1, which is submitted herewith.

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28. **EP 1 048 282 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
29. **EP 1 053 742 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
30. **EP 1 064 919 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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32. **EP 1 066 814 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,491,931, which is submitted herewith.
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38. **FR 1 529 329** - A certified English translation of this document is submitted herewith.

39. **FR 2 232 303** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 3,937,811, which is submitted herewith.

40. **FR 2 674 126** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

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53. **FR 2 819 400** - An abstract of the disclosure of this document can be found in



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54. **FR 2 819 402** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

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60. **JP 11/335242** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

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68. **JP 2000086427 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which was submitted in the parent application.
69. **JP 2000086429 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
70. **JP 2000086438 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
71. **JP 3/014683** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
72. **JP 53/043577** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
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78. **JP 8/225316** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

79. **JP 9/20631** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

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81. **WO 01/97773 A1** - An English language Abstract of this document can be found on the front of this document.

82. **WO 02/055031 A1** - An English language Abstract of this document can be found on the front of this document.

83. **WO 02/056845 A1** - An English language Abstract of this document can be found on the front of this document.

84. **WO 02/056847 A1** - An English language Abstract of this document can be

found on the front of this document.

85. **WO 02/056848 A1** - An English language Abstract of this document can be found on the front of this document.

86. **WO 02/47605 A2** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0044367 A1, which is submitted herewith.

87. **WO 02/47622 A2** - An English language Abstract of this document can be found on the front of this document.

88. **WO 02/47627 A1** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0026772 A1, which is submitted herewith.

89. **WO 02/47629 A1** - An English language Abstract of this document can be found on the front of this document.

90. **WO 02/47630 A1** - An English language Abstract of this document can be found on the front of this document.

91. **WO 86/04916** - An English language Abstract of this document can be found on the front of this document.

92. **WO 91/12793** - An English language Abstract of this document can be found on the front of this document.

93. **WO 94/21233** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent

No. 5,612,043, which is submitted herewith.

94. **WO 95/15741** - An English language abstract of this foreign language document can be found on the front of this document.

95. **WO 95/33000** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent No. 5,747,625, which is submitted herewith.

96. **WO 98/22078** - An English language Abstract of this document can be found on the front of this document.

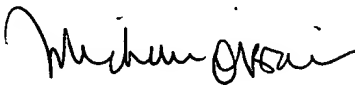
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Application No. 09/733,900  
Attorney Docket No. 05725.0595-00

Please charge any fee due in connection with the filing of this Statement to our  
Deposit Account No. 06-0916.

Respectfully submitted,

By:   
\_\_\_\_\_  
Michelle E. O'Brien  
Reg. No. 46,203

Date: September 7, 2004



OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**  
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|                                    |                             |
|------------------------------------|-----------------------------|
| Atty. Docket No.: 05725.0595-00000 | Application No.: 09/733,900 |
| Applicant: Carlos PINZON et al.    |                             |
| Filing Date: December 12, 2002     | Group 1616                  |

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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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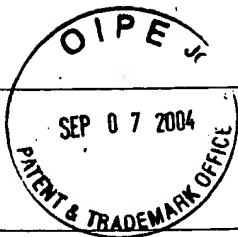
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Applicant: Carlos PINZON et al.

Filing Date: December 12, 2002

Group 1616

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| Applicant: Carlos PINZON et al.    |                             |
| Filing Date: December 12, 2002     | Group 1616                  |

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**INFORMATION DISCLOSURE CITATION**  
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Atty. Docket No.: 05725.0595-00000

Application No.: 09/733,900

Applicant: Carlos PINZON et al.

Filing Date: December 12, 2002

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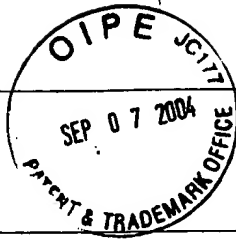
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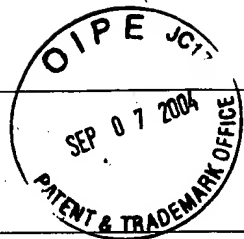
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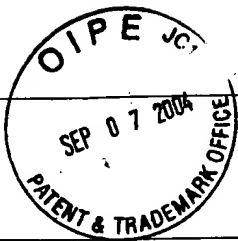
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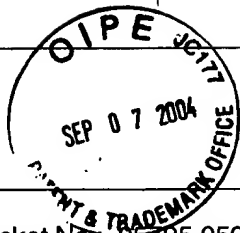
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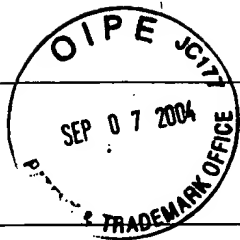

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| Atty. Docket No.: 09/725.0595-00000 | Application No.: 09/733,900 |
| Applicant: Carlos PINZON et al.     |                             |
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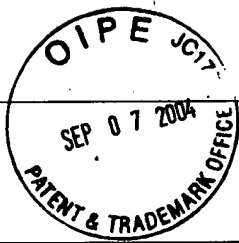
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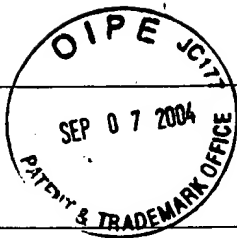
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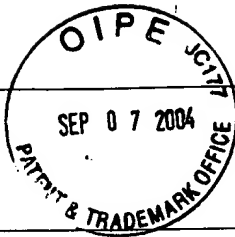
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Examiner

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| Applicant: Carlos PINZON et al.    |                             |
| Filing Date: December 12, 2002     | Group 1616                  |

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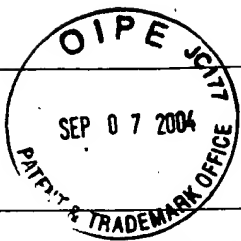
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Application No.: 09/733,900

Applicant: Carlos PINZON et al.

Filing Date: December 12, 2002

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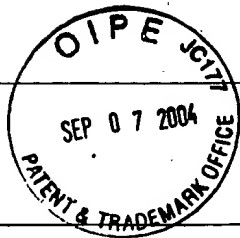


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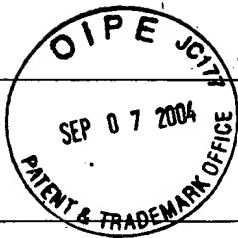
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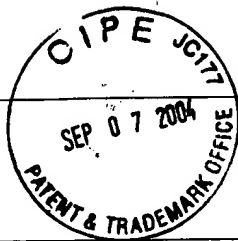
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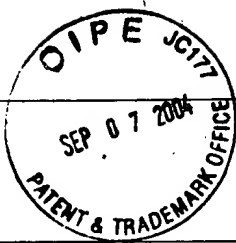
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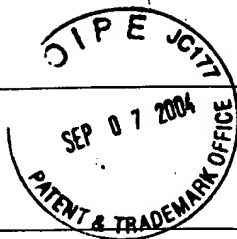
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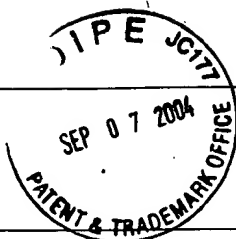
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| Atty. Docket No.: 05725.0595-00000 | Application No.: 09/733,900 |
| Applicant: Carlos PINZON et al.    |                             |
| Filing Date: December 12, 2002     | Group 1616                  |

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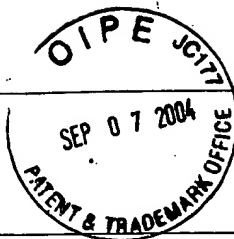
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Application No.: 09/733,900

Applicant: Carlos PINZON et al.

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Group 1616

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Group 1616

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